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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,894	12/04/2000	Larry Bert Brenner	AUS9-2000-0604-US1	7312
7590	10/03/2003		EXAMINER	
Joseph T. Van Leeuwen P.O. Box 81641 Austin, TX 78708-1641			ANYA, CHARLES E	
			ART UNIT	PAPER NUMBER
			2126	3
DATE MAILED: 10/03/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/729,894	BRENNER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Charles E Anya	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 December 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 – 7,10 – 17,20 – 28,31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,041,384 to Waddington et al. in view of U.S. Pat. No. 6,275,953 B1 to Vahalia et al.**

As to claim 1, Waddington teaches a method of managing resources (“...managing ...partitions...” Col. 4 Ln. 15 – 65), determining whether a process identifier included in a queue corresponds to a read requestor or write requestor (Step 935 Col. 10 Ln. 18 – 61), allowing the write requestor to write to the shared resource response to the process identifier corresponding to the write requestor/ allowing one or more successive read requestors to read from the shared resource in response to the process identifier corresponding to one of the read requestors (Step 945, “...allocation of a unit of work...” Col.10 Ln. 18 – 43).

Although Waddington teaches determining whether a process identifier corresponds to a read requestor or write requestor it is not explicitly with regards to a queue.

Vahalia teaches a queue (...a list...” Col. 17 Ln. 33 – 50, “...wait list...” Col. 22 Ln. 1 – 10). It would have been obvious to apply the teaching of Vahalia to the system of

Waddington. One would have been motivated to make such a modification in order to queue clients/client requests waiting for a lock (Col. 17 Ln. 33 – 50).

As to claim 2, Waddington teaches setting a resource lock in available mode (“Acquisition of Locks on behalf of worker Processes” Col. 1 – 14, Step 920, Step 925 Col. 10 Ln. 1 – 17, figure 10 Col. 11 Ln. 61 – 67, Col. 12 Ln. 1 – 40), setting the resource lock in a read mode in response to the first of the one or more requestors accessing the available resource lock (Step 1210 Col. 12 Ln. 64 – 67, Col. 13 Ln. 1 – 5, Step 1220 Col. 13 Ln. 39 – 54).

As to claim 3, claim 2 covers claim 3 except for granting lock access to a first group of the read requestors in response to the first group being included in the one or more successive read requestors and denying lock access to a second group of the read requestors in response to the second group not being included in the one or more successive read requestors.

Waddington teaches granting lock access to a first group of the read requestors in response to the first group being included in the one or more successive read requestors (Step 1210 Col. 12 Ln. 64 – 67, Col. 13 Ln. 1 – 5, Step 1225 Col. 13 Ln. 66 – 67, Col. 14 Ln 1 – 9) and denying lock access to a second group of the read requestors in response to the second group not being included in the one or more successive read requestors (“...suspended (“blocked”)...” Col. 13 Ln. 6 – 27).

As to claim 4, Waddington teaches setting a woken up flag for each read requestor (“...cease to be an idle worker...” Col. 10 Ln. 18 – 35, Step 1210 Col. 12 Ln. 64 – 67, Col. 13 Ln. 1 – 5).

As to claim 5, Waddington teaches releasing a resource lock (Step 960, 965, 970 Col.11 Ln. 5 – 14) and granting a requesting process ownership of the resource lock where the requesting process is the first process to request the resource lock after lock release (Figure 11 Ln. 41 – 55).

As to claim 6, Waddington teaches the requesting process that does not correspond with one of the process identifiers included in the queue ("...no more idle..." Col. 10 Ln. 44 – 61).

As to claim 7, Waddington teaches the requesting process that corresponds with one of the process identifiers included in the queue (Step 935 Col. 10 Ln. 18 – 43).

As to claim 10, Waddington is silent with respect to identifying an upgrader in the queue and granting the upgrader a write lock to the shared resource. Vahilia teaches identifying an upgrader in the queue/granting the upgrader a write lock to the shared resource ("...promoted..." Col. 20 Ln. 60 – 67). It would have been obvious to apply the teaching of Vahilia to the system of Waddington. One would have been motivated to make such a modification in order to grant a lock to a client (Col. 20 Ln. 60 – 67).

As to claim 11, see the rejection of claim 10.

As to claims 12, claim covers claim 12 except for one or more processors, a memory accessible by the processors, one or more shared resources, a nonvolatile storage device and a shared resource manger.

Waddington teaches for one or more processors (Processor 1507 Col. 15 Ln. 20 – 67), a memory accessible by the processors (Memory 1509 Col. 15 Ln. 20 – 67), one or

more shared resources (Data Object 100 (Partitions 102, 104,106, 108 Col. 4 Ln. 15 – 67), a nonvolatile storage device ("...non volatile storage..." Col.15 Ln. 20 – 67) and a shared resource manager ("...coordinator process..." Col. 5 Ln. 1 – 67, Col. 6 Ln. 1 – 67, Col. 10 Ln. 1 – 67, Col. 11 Ln. 1 – 44, Col. 112 Ln. 41 – 67).

As to claims 13 and 14, see the rejection of claims 2 and 3 respectively.

As to claims 15 – 17,20 and 21, see the rejection of claims 5 – 7, 10 and 11 respectively.

As to claims 22 – 28,31 and 32, see the rejection of claims 1 – 7,10 and 11 respectively.

**Claims 8,9,18,19,29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,041,384 to Waddington et al in view of U.S. Pat. No. 6,275,953 B1 to Vahalia et al. as applied to claim 5 above, and further in view of U.S. Pat. No. 6,466,978 B1 to Mukherjee et al.**

As to claim 9, Waddington as modified is silent with respect to speeding up processing that includes granting one or more read requestors a temporary time slice exemption.

Mukherjee teaches speeding up processing that includes granting one or more read requestors a temporary time slice exemption (Refresh 120 Col. 8 Ln. 49 – 67, Col. 9 Ln. 1 – 17). It would have been obvious to apply the teaching of Mukherjee to the system of Waddington as modified. One would have been motivated to make such modification to perform long editing operation (Col. 9 Ln. 1 – 17).

As to claims 8,18,19,29 and 30, see the rejection of claim 9.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M-F (8:30-5:30) First Friday off.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Charles E Anya  
Examiner  
Art Unit 2126



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100